


Randel C. Gibson, D.O., Chairman

**Summary of Proceedings
Kentucky Board of Medical Licensure
Inquiry/Hearing Panel B**

KBML Headquarters
Louisville, KY

9:30 am
October 15, 2009

Members Present

Randel C. Gibson, D.O., Chairman
Preston P. Nunnelley, M.D., President
C. William Briscoe, M.D.
Ms. Brianna Legg
Thangam Rangaswamy, Ph.D.
Russell L. Travis, M.D.
Edward C. Halperin, M.D.

Members Absent

Tami B. Cassis, M.D.

Staff Present

C. William Schmidt
Mike Rodman
C. Lloyd Vest, Esq.
Leanne Diakov, Esq.
George Stewart
Betty Prater
Doug Wilson
Bonnie Reitz
C. Jill Lun
Latha Ummaji
Jennie Woods

Others Present

James T. Jennings, M.D.
Donetta Wolfe
Liz Hornback
Darwin Whitaker, PA-C
Alan Shultz, M.D.
Brian Good, Esq.
Sharad Patel, M.D.
Subhash Vyas, M.D.
David Bosomworth, M.D.
J. Fox Demoisey, Esq.
Mohammad Shahzad, M.D.
Morteza Shafa, M.D.
Paula York, RPH

Call to Order

This meeting of Panel B was called to order at 9:30 a.m. by Randel C. Gibson, D.O., Chairman.

Review and Approval of Summary of Proceedings

Following a review of the July 16, 2009 Summary of Proceedings and the Summary of Proceedings from the special meeting of Panel B on September 17, 2009, a motion was made by Dr. Travis that they be approved. Seconded by Dr. Briscoe, the motion carried.

Disciplinary Cases – Final Action

Richard J. Zajac, M.D., License # 36620

The Panel is asked to finally resolve this case following receipt of the Hearing Officer's recommended Findings of Fact and Conclusions of Law. The Panel reviewed a Memorandum from Mr. Lloyd Vest, General Counsel, along with the Complaint and Recommended Order Finding Richard J. Zajac, M.D. in Default and Canceling Administrative Hearing.

Action: Following discussion, a motion was made by Dr. Travis to accept the Hearing Officer's recommended Findings of Fact and Conclusions of Law and issue an Order of Revocation. Seconded by Dr. Rangaswamy, the motion carried.

Disciplinary Cases – Requests for Modification

Gregory L. Brown, M.D., License # 20307

Dr. Brown is requesting that the Panel terminate certain conditions of his Agreed Order of Indefinite Restriction. A Memorandum from Mr. Lloyd Vest was reviewed by the Panel as well as a CPEP Summary Progress Report, Dr. Brown's Agreed Order of Indefinite Restriction, correspondence from Dr. James Jennings and two Compliance Inspection Reports.

Action: After a review of the information, Dr. Travis moved to grant Dr. Brown's request and amend his Agreed Order of Indefinite Restriction. Seconded by Dr. Briscoe, the motion carried. Terms and conditions were provided to General Counsel.

Kenny J. Manion, M.D., License # 24806

Dr. Manion requests the Panel terminate his Amended Agreed Order of Indefinite Restriction. Panel members reviewed a Memorandum from Mrs. Leanne Diakov, Assistant General Counsel, Dr. Manion's Amended Agreed Order of Indefinite Restriction, confirmation of Dr. Manion's completion of the boundaries course and the prescribing course and two Compliance Inspection Reports.

Action: Upon discussion, Dr. Travis made a motion to grant Dr. Manion's request and terminate his Amended Agreed Order of Indefinite Restriction. Seconded by Dr. Rangaswamy, the motion carried.

James M. McGinnis, D.O., License # 02723

Dr. McGinnis is asking the Panel to terminate his Agreed Order of Probation. A Memorandum from Mr. Lloyd Vest was reviewed by the Panel along with Dr. McGinnis' Agreed Order of Probation, information from the Ohio Board, correspondence from Dr. James Jennings and two Compliance Inspection Reports.

Action: Following review, a motion was made by Dr. Rangaswamy to grant Dr. McGinnis' request and terminate his Agreed Order of Probation. He further moved to flag Dr. McGinnis' file for review should he return to Kentucky to practice. Seconded by Dr. Travis, the motion carried.

Sharad C. Patel, M.D., License # 20851

The Panel is asked to approve Dr. Patel's transition to Phase II of his Education Plan, following receipt of the Point of Care Education and Evaluation Report. He is also requesting that his current Amended Agreed Order of Indefinite Restriction be changed to an Amended Agreed Order. Mr. Lloyd Vest submitted a Memorandum for the Panel's review along with Dr. Patel's Amended Agreed Order of Indefinite Restriction and information from CPEP.

Action: After consideration, Dr. Travis moved to approve Dr. Patel's transition to Phase II of his Education Plan and to change his Amended Agreed Order of Indefinite Restriction to an Amended Agreed Order. Seconded by Dr. Rangaswamy, the motion carried. Terms and conditions were provided to General Counsel.

Alan D. Shultz, M.D., License # 30784

Dr. Shultz is requesting that the Panel permit him to resume the professional utilization of controlled substances. The Panel reviewed a Memorandum from Mr. Lloyd Vest along with Dr. Shultz's Order with the Board, information from CPEP, correspondence from Dr. James Jennings and two Compliance Inspection Reports.

Action: Upon discussion, Dr. Travis made a motion to grant Dr. Shultz's request and ask him to enter into an Agreed Order of Revocation, Stayed; Amended Order. Seconded by Dr. Rangaswamy, the motion carried. Terms and conditions were provided to General Counsel.

Carolyn V. Smith, M.D., License # 31089

Dr. Smith is requesting termination of the Agreed Order she entered into on June 4, 2009. Panel members reviewed a Memorandum from Mrs. Leanne Diakov, Dr. Smith's Agreed Order and a letter from Dr. James Jennings.

Action: After a review of the information, Dr. Travis moved to grant Dr. Smith's request and terminate her Agreed Order. Seconded by Dr. Rangaswamy, the motion carried. Dr. Halperin recused himself.

Subhash A. Vyas, M.D., License # 20556

Dr. Vyas asks the Panel to permit him to resume practice under an educational plan different than that developed by CPEP. A Memorandum from Mr. Lloyd Vest was reviewed along with the CPEP Assessment Report, Dr. Vyas' proposed plan and Dr. Vyas' Agreed Order of Indefinite Restriction.

Action: Following discussion, a motion was made by Ms. Legg to deny Dr. Vyas' request but the Panel will reconsider if Dr. Vyas obtains a neuropsychological evaluation and that evaluation has been reviewed by CPEP. Seconded by Dr. Briscoe, the motion carried. Dr. Halperin and Dr. Rangaswamy opposed the motion.

Darwin A. Whitaker, PA-C, License # PA361

Mr. Whitaker is requesting that the Panel amend the conditions of his Amended Agreed Order of Indefinite Restriction. Panel members reviewed a Memorandum from Mr. Lloyd Vest, Mr. Whitaker's Amended Agreed Order of Indefinite Restriction, reports from his supervising physician, correspondence from Dr. James Jennings and two Compliance Inspection Reports. Dr. Jennings was in attendance and addressed the Panel.

Action: After review, Dr. Travis moved to terminate Mr. Whitaker's Amended Agreed Order of Indefinite Restriction. Seconded by Dr. Briscoe, the motion carried. Terms and conditions were provided to General Counsel.

Applications for Renewal/Reregistration

John R. Allen, M.D., License # 16964

Dr. Allen disclosed on his 2009 renewal application that he suffered a stroke in 2008, which left him with a permanent neurologic disability. He also reported that he resigned from his private practice due to his condition. The Panel reviewed a Memorandum from the Executive Director, Dr. Allen's renewal application, a letter from his treating physician and confirmation of his disability.

Action: Following discussion, Dr. Travis made a motion to allow Dr. Allen to renew his Kentucky medical license. Seconded by Dr. Halperin, the motion carried.

John D. Rosdeutscher, M.D., License # 31141

Dr. Rosdeutscher has applied to reregister his Kentucky medical license and noted he had received treatment for alcohol dependence. He completed a five-year contract with the Kentucky Physicians Health Foundation as well as a five-year contract with the Tennessee Medical Foundation. A Memorandum from the Executive Director was reviewed by the Panel along with Dr. Rosdeutscher's reregistration application, his Discharge Summary, his Letter of Agreement and a letter from Dr. James Jennings.

Action: Upon consideration, a motion was made by Dr. Travis to allow Dr. Rosdeutscher to reregister his Kentucky medical license. Seconded by Dr. Rangaswamy, the motion carried.

Richard F. Thompson, Jr., M.D., License # 24717

Dr. Thompson is reregistering his Kentucky medical license, which has been inactive since April 4, 2000. Panel members reviewed a Memorandum from the Executive Director as well as Dr. Thompson's reregistration application, his Letter of Agreement and a letter from Dr. James Jennings.

Action: Following discussion, a motion was made by Dr. Travis to allow Dr. Thompson to reregister his Kentucky medical license. Seconded by Dr. Briscoe, the motion carried.

Patricia A. Miller-Canfield, M.D., License # 27163

Dr. Miller-Canfield is applying to reregister her Kentucky medical license and noted on her application that she pled guilty to facilitation to trafficking marijuana. Her case was dismissed with prejudice. The Board placed her license on an Order of Probation; however, the Kentucky Court of Appeals reversed the Board action. A Memorandum from the Executive Director was reviewed by Panel members along with Dr. Miller-Canfield's reregistration application, Verifications and Orders from Ohio and West Virginia and reports from the Federation and National Practitioners Databank. Dr. Miller-Canfield's attorney was present and addressed the Panel.

Action: Upon consideration, a motion was made by Dr. Travis to allow Dr. Miller-Canfield to reregister her Kentucky medical license. Seconded by Ms. Legg, the motion carried.

Executive Session

A motion was made by Dr. Travis and seconded by Ms. Legg that the Panel enter into Executive Session in order to discuss and deliberate upon:

matters currently in litigation;
pending investigations that may result in litigation;
applications involving confidential treatment records.

The specific statutory sections providing exemptions are 61.810(1)(c), 61.810(1)(j), 61.810(1)(k), 61.878(1)(a), 61.878(1)(h) and 311.619. Motion carried.

Non-Compliance Cases

Morteza H. Shafa, M.D., License # 22367

On November 10, 2005 Dr. Shafa entered into an Amended Agreed Order, and pursuant to a condition of that Order a chart review has been completed. An Investigative Report from Mr. George Stewart, Board Investigator, was reviewed by the Panel along with Dr. Shafa's Agreed Order, two Compliance Inspection Reports, a Board consultant's findings and a response from Dr. Shafa. Dr. Shafa was in attendance and addressed the Panel.

Action: After review, Dr. Travis moved to file a Complaint and Emergency Order of Suspension against Dr. Shafa's medical license. Seconded by Ms. Legg, the motion carried.

Kentucky Physicians Health Foundation

Victor J. Shpilberg, M.D., License # 27077

A grievance was filed against Dr. Shpilberg by a patient who alleges that his KASPER report reveals prescriptions for controlled substances of which he was not aware. An Investigative Report from Ms. Betty Prater, Board Investigator, was reviewed by the Panel as well as Dr. Shpilberg's Agreed Order and a response from Dr. Shpilberg.

Action: After consideration, Dr. Briscoe moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Thomas A. Smith, M.D., License # 26421

This is a new case involving a complaint filed against Dr. Smith alleging that he prescribed pain medication to the grievant's mother, which caused complications and lead to her death. The Panel reviewed an Investigative Report from Ms. Bonnie Reitz, Board Investigator, responses from several of the patient's physicians and a response from Dr. Smith.

Action: Following review, Dr. Briscoe made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Old Cases

Pragya B. Gupta, M.D., License # 34920

This is an old case involving a grievance against Dr. Gupta alleging that he prescribed an unapproved drug to a patient that caused his death. Panel B reviewed this case at their April 2009 meeting and recommended further review by a Board consultant specializing in neurosurgery. An Investigative Report from Mr. Eric Tout was reviewed as well as a Board consultant's findings.

Action: Upon consideration, a motion was made by Dr. Travis to send Dr. Gupta a Letter of Concern along with a copy of the consultant's report. Seconded by Dr. Briscoe, the motion carried.

New Cases – Investigated

John R. Baird, M.D., License # 36869

This is a new case involving a complaint filed against Dr. Baird alleging that he was unprofessional to a patient and is overprescribing controlled substances. An Investigative Report from Ms. Betty Prater was reviewed along with a response from Dr. Baird and a Board consultant's report.

Action: Following discussion, a motion was made by Ms. Legg that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Victoria M. Baula, M.D., License # 32555; Karla M. Vana, M.D., License # 38146

A grievance was filed against Dr. Baula and Dr. Vana alleging they failed to properly check a sick patient, which caused a delay in detecting her leukemia. The Panel reviewed an Investigative Report from Mr. George Stewart, responses from Dr. Baula and Dr. Vana and a Board consultant's findings.

Action: After review, Dr. Rangaswamy moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Ms. Legg, the motion carried.

Terry A. Crafton, M.D., License # 40469

A patient filed a complaint against Dr. Crafton alleging that he failed to provide quality care. Panel members reviewed an Investigative Report from Mr. George Stewart, a Board consultant's report and a response from Dr. Crafton.

Action: Following discussion, Dr. Travis made a motion to send Dr. Crafton a Letter of Concern. Seconded by Dr. Briscoe, the motion carried.

John T. Dvorak, M.D., License # 36525

This is a new case involving a complaint filed against Dr. Dvorak claiming that he failed to meet minimal standards of care in treating the grievant's mother. An Investigative Report from Mr. Eric Tout was reviewed by the Panel along with a response from Dr. Dvorak.

Action: After consideration, a motion was made by Dr. Briscoe that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Ms. Legg, the motion carried.

Gina Marie Skincare

A grievance was filed against Gina Marie Skincare alleging that the unauthorized practice of medicine is taking place at that establishment. The Panel reviewed an Investigative Report from Mr. Eric Tout and a response from the owner of Gina Marie Skincare.

Action: Upon review, Dr. Rangaswamy moved to find this constitutes the practice of medicine and to refer this case to the Office of the Attorney General for any action they deem appropriate. Seconded by Dr. Travis, the motion carried.

Donald K. Gregory, M.D., License # 29862

This is a new case involving allegations that Donald K. Gregory, M.D. overprescribed controlled substances to the grievant's brother, which contributed to his death. The Panel reviewed an Investigative Report from Mr. George Stewart, Board Investigator, a response from Dr. Gregory and a Board consultant's findings.

Action: Following discussion, Ms. Legg made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Naseem Rauf, M.D., License # 20620

A complaint was filed against Dr. Rauf alleging that he was disrespectful to a patient in the emergency room. The Panel reviewed an Investigative Report from Mr. Doug Wilson, along with a response from Dr. Rauf.

Action: Upon review, Ms. Legg made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Martin E. Siegel, M.D., License # 32535; Zev Zusman, M.D., License # 27893

This new case involves a grievance against Dr. Siegel and Dr. Zusman regarding their inappropriate billing and quality of care issues. An Investigative Report from Mr. Doug Wilson was reviewed by Panel members, as well as a Board consultant's findings and responses from Dr. Siegel and Dr. Zusman.

Action: Following review, Ms. Legg made a motion to send Dr. Siegel and Dr. Zusman a Letter of Concern. Seconded by Dr. Travis, the motion carried.

Jeremy L. Spencer, CSA, License # SA093

A report was received from the Kentucky Physicians Health Foundation that Mr. Spencer had a positive urine test for alcohol. Mr. Spencer has not renewed his CSA certification for next year. The Panel reviewed an Investigative Report from Mr. Doug Wilson and a response from Mr. Spencer.

Action: Upon discussion, a motion was made by Dr. Travis to flag Mr. Spencer's file for review should he apply to renew his Kentucky CSA certification. Seconded by Ms. Legg, the motion carried.

James A. Turpin, M.D., License # 41596

A grievance was filed against Dr. Turpin claiming that he failed to provide quality care during their visit to the emergency room. Panel members reviewed an Investigative Report from Mr. Doug Wilson, a report from the hospital and Dr. Turpin's response.

Action: Upon consideration, a motion was made by Ms. Legg that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Halperin, the motion carried.

New Cases – Not Investigated

Thomas M. Adams, M.D., License # 28935

A complaint was filed against Dr. Adams alleging that he had no concern for the safety of the grievant's father-in-law, who is Dr. Adams' patient, and failed to sign a form. The grievance and Dr. Adams' response was reviewed by the Panel.

Action: Following review, Dr. Rangaswamy made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Halperin, the motion carried.

Abdulkader Dahhan, M.D., License # 17192

A patient filed a grievance against Dr. Dahhan claiming that he was unprofessional and rude to her. The Panel reviewed the grievance and Dr. Dahhan's response.

Action: Upon consideration, a motion was made by Ms. Legg that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Reda A.I. El-Sheikh, M.D., License # 33792; **Mohammad K. Gayasaddin, M.D., License # 39269**

A grievance was filed against Dr. El-Sheikh and Dr. Gayasaddin by a patient who alleges that they failed to provide quality care. Panel members reviewed the grievance and responses from Dr. El-Sheikh and Dr. Gayasaddin.

Action: After review, Dr. Rangaswamy moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Travis, the motion carried.

James A. Eppley, M.D., License # 28332

Our office received a complaint against Dr. Eppley alleging that he prescribed the grievant's daughter medication that she was allergic to and overdosed on more than twice. The Panel reviewed the grievance and a response from Dr. Eppley.

Action: Following discussion, a motion was made by Ms. Legg to open an investigation on this case. Seconded by Dr. Halperin, the motion carried.

Punita Rastogi Halder, M.D., License # 29679

A patient filed a grievance against Dr. Halder alleging that she was unprofessional in denying her medical service. The grievance and a response from Dr. Halder were reviewed by the Panel.

Action: After review, Dr. Travis moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. He further moved to send Dr. Halder a copy of the AMA guidelines regarding the appropriate procedure for discharging a patient. Seconded by Dr. Halperin, the motion carried. Dr. Briscoe opposed the motion.

Kendall E. Hansen, M.D., License # 25777

A complaint was filed against Dr. Hansen by a patient who claimed that Dr. Hansen was unprofessional and disrespectful to her. The Panel reviewed the grievance and Dr. Hansen's response.

Action: Following discussion, a motion was made by Dr. Travis that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Halperin, the motion carried.

Thomas C. Jackson, M.D., License # 29222

A grievance was received by this office against Dr. Jackson from a patient claiming that he was disrespectful to her and threatened her with a call to social services. The grievance and a response from Dr. Jackson were reviewed by Panel members.

Action: Following review, Dr. Rangaswamy made a motion that a Letter of Concern be forwarded to Dr. Jackson. Seconded by Dr. Travis, the motion carried.

Young S. Kim, M.D., License # 20004

A patient filed a grievance against Dr. Kim alleging that he was unprofessional in the office. Panel members reviewed the grievance and Dr. Kim's response.

Action: After consideration, a motion was made by Dr. Travis that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Loey J. Kousa, M.D., License # 29671

A complaint was filed against Dr. Kousa claiming that he did not complete a form that would allow the grievant's mother to travel. The Panel reviewed the grievance and a response from Dr. Kousa.

Action: Upon review, Ms. Legg moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. She further moved to notify Social Services of this case. Seconded by Dr. Travis, the motion carried.

Mark A. Myers, M.D., License # 32619

A coworker filed a grievance against Dr. Myers claiming that he displayed unprofessional conduct toward her. The grievance and Dr. Myers' response were reviewed by the Panel.

Action: Following review, Ms. Legg made a motion that a Letter of Concern be forwarded to Dr. Myers. Seconded by Dr. Briscoe, the motion carried.

Robert R. Penkava, M.D., License # 16114

A patient filed a grievance against Dr. Penkava alleging that he failed to provide quality care and that he tried to obtain copies of the patient's medical records without the patient's authorization. Panel members reviewed the grievance and Dr. Penkava's response.

Action: After review, Dr. Travis moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Julia M. Robertson, M.D., License # 27725

A grievance was filed against Dr. Robertson claiming that she was negligent and abandoned a patient without any notice. The grievance and Dr. Robertson's response were reviewed by the Panel.

Action: After consideration, a motion was made by Dr. Travis that a Letter of Concern be forwarded to Dr. Robertson. Seconded by Dr. Rangaswamy, the motion carried.

Maria E. Smith, M.D., License # 35867

A patient filed a complaint against Dr. Smith claiming that she was unethical and violated the patient's HIPAA rights. The Panel reviewed the grievance and Dr. Smith's response.

Action: Following review, Dr. Rangaswamy made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Briscoe, the motion carried.

Barry B. Sosnin, D.O., License # 02986

A grievance was received by this office alleging that Dr. Sosnin provided false information on his Kentucky osteopathic license application. The grievance and Dr. Sosnin's response were reviewed by Panel members.

Action: After consideration, a motion was made by Dr. Travis that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried. Dr. Halperin opposed the motion.

Peter M. Steiner, M.D., License # 32156

Two complaints have been received against Dr. Steiner. The first alleges that he abandoned a patient without the 30-day notice as required by law. The second claims that he failed to provide a copy of medical records to the patient. Panel members reviewed the grievance and a response from Dr. Steiner.

Action: Upon review, Dr. Travis moved that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. He further moved to send the President of Norton Healthcare a letter requesting that they review their policies on notifying patients when an office is closed and a patient's access to their medical records. Seconded by Dr. Briscoe, the motion carried.

Arun Ummat, M.D, License # 20002

A complaint was filed against Dr. Ummat alleging that the grievant's mother had to wait a long time for Dr. Ummat to see her and that he was unprofessional and rude when questioned about the delay. The grievance and Dr. Ummat's response were reviewed

Action: Following review, Dr. Travis made a motion that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Dr. Rangaswamy, the motion carried.

Actions by Other States

James J. Anthony, M.D., License # 21238

The Board received information from Dr. Anthony that he entered into an Order with the Ohio Medical Board on July 8, 2009. This Order places his Ohio license on probation due to his failure to conform to minimal standards of acceptable medical practice. Panel members reviewed a Memorandum from the Executive Director, correspondence from Dr. Anthony and the Ohio Order.

Action: After consideration, a motion was made by Dr. Rangaswamy that there was no evidence of a violation of the Medical Practice Act and no further action was necessary. Seconded by Ms. Legg, the motion carried.

Malpractice Settlements/Judgments

Pursuant to Board policy, members of the Panel reviewed the following malpractice cases previously reviewed by a Board member and a consultant who recommended no action:

Tristan S. Briones, M.D.
Pete L. Caples, M.D.
Anne E. Constantino, M.D.
Aditya Daftary, M.D.
Milton S. Glatteer, Jr., M.D.
Milton S. Glatteer, Jr., M.D.
Julie L. Goldman, M.D.
Michael J. Goodwin, M.D.
Hope Havener, M.D.
Nancy J. Henly, M.D.
Paula W. Hollingsworth, M.D.
Benjamin L. Mackey, M.D.
Julia E. Martin, M.D.
Jocelyn Mini, M.D.
Jean-Maurice Page, M.D.
Soon Park, M.D.
William A. Schwank, M.D.
Michael E. Sekela, M.D.
Michael Zachek, M.D.

Following a review of these cases, it was the consensus of the Panel members that no further action was necessary and these cases be closed.

Other Items (None)

Date of Next Meeting

The next Panel B meeting is scheduled for January 21, 2010.

Adjournment

There being no further business open for discussion, a motion was made by Dr. Travis that the meeting be adjourned at 11:45 am. Seconded by Ms. Legg, the motion carried.

The following cases are exempt from open records pursuant to KRS 311.619.

Disciplinary Cases – Requests for Modification

Carolyn V. Smith, M.D., License # 31089

Dr. Smith is requesting termination of the Agreed Order she entered into on June 4, 2009. Panel members reviewed a Memorandum from Mrs. Leanne Diakov, Dr. Smith's Agreed Order and a letter from Dr. James Jennings.

Action: After a review of the information, Dr. Travis moved to grant Dr. Smith's request and terminate her Agreed Order contingent upon her entering into a Letter of Agreement. Seconded by Dr. Rangaswamy, the motion carried. Dr. Halperin recused himself.

Darwin A. Whitaker, PA-C, License # PA361

Mr. Whitaker is requesting that the Panel amend the conditions of his Amended Agreed Order of Indefinite Restriction. Panel members reviewed a Memorandum from Mr. Lloyd Vest, Mr. Whitaker's Amended Agreed Order of Indefinite Restriction, reports from his supervising physician, correspondence from Dr. James Jennings and two Compliance Inspection Reports. Dr. Jennings was in attendance and addressed the Panel.

Action: After review, Dr. Travis moved to terminate Mr. Whitaker's Amended Agreed Order of Indefinite Restriction contingent upon his entering into a Letter of Agreement. Seconded by Dr. Briscoe, the motion carried. Terms and conditions were provided to General Counsel.

Kentucky Physicians Health Foundation

David P. Bosomworth, M.D., License # 30546

Dr. Bosomworth is requesting termination of his Letter of Agreement, which was filed of record on August 13, 2008. The Panel reviewed a Memorandum from Mrs. Leanne Diakov, Dr. Bosomworth's Letter of Agreement, a Compliance Inspection Report and correspondence from Dr. James Jennings who was present and addressed the Panel.

Action: After consideration, a motion was made by Dr. Briscoe to grant Dr. Bosomworth's request and terminate his Letter of Agreement. Seconded by Dr. Rangaswamy, the motion carried.

C. Quinton Meek, M.D., License # 28887

On February 8, 2008 Dr. Meek entered into a Letter of Agreement with the Board, and he is now requesting its termination. A Memorandum from Mrs. Leanne Diakov was reviewed by Panel members as well as letters from Dr. James Jennings and a Compliance Inspection Report. Dr. Jennings addressed the Panel.

Action: Upon review, a motion was made by Dr. Travis to grant Dr. Meek's request and terminate his Letter of Agreement. Seconded by Ms. Legg, the motion carried.

Mohammad F. Shahzad, M.D., License # 33429

This is a new case regarding a grievance against Dr. Shahzad concerning the suspension of his medical staff privileges at Ephraim McDowell Medical Center. An Investigative Report from Mr. Doug Wilson, Board Investigator, was reviewed along with a letter from Ephraim McDowell Medical Center, correspondence from Dr. James Jennings and a response from Dr. Shahzad. Dr. Jennings was in attendance and addressed the Panel.

Action: Following discussion, Dr. Briscoe made a motion to ask Dr. Shahzad to enter into a Letter of Agreement. Seconded by Dr. Rangaswamy, the motion carried. Terms and conditions were provided to General Counsel.

Old Cases

Viorel Boborodea, M.D., License # 29482

On May 5, 2008 Dr. Boborodea entered into an Interim Agreed Order (Diversion) after Panel B considered his application to reregister his Kentucky medical license. He has now met all the terms and conditions of that Order. The Panel reviewed an Investigative Report from Mr. Eric Tout, Board Investigator, along with Dr. Boborodea's Interim Agreed Order (Diversion), his reregistration application and the Board consultant's findings.

Action: Following consideration, a motion was made by Dr. Travis to terminate Dr. Boborodea's Interim Agreed Order (Diversion). Seconded by Dr. Briscoe, the motion carried.

Donald K. Gregory, M.D., License # 29862

Panel B reviewed this as a new case at their April 2008 meeting and voted to ask Dr. Gregory to enter into an Interim Agreed Order (Diversion), which he did on May 5, 2009. He has abided by all terms and conditions as outlined in that Order. An Investigative Report from Mr. Eric Tout was reviewed by Panel members as well as Dr. Gregory's

Interim Agreed Order (Diversion), a Board consultant's findings and a Compliance Inspection Report.

Action: Upon review, a motion was made by Dr. Travis to terminate Dr. Gregory's Interim Agreed Order (Diversion). Seconded by Ms. Legg, the motion carried.

New Cases Investigated

John D. Horton, M.D., License # 23477

A report was received from the Office of the Inspector General concerning Dr. Horton's prescribing practices. An Investigative Report from Ms. Betty Prater was reviewed by the Panel as well as a Board consultant's report and a response from Dr. Horton.

Action: Following discussion, a motion was made by Ms. Legg to ask Dr. Horton to enter into an Interim Agreed Order (Diversion), and if he refuses, to bring his case back before the Panel. Seconded by Dr. Travis, the motion carried. Terms and conditions were provided to General Counsel.

James A. Montgomery, M.D., #29324

This is a new case involving a grievance against Dr. Montgomery claiming that he prescribed controlled substances to a friend, who was also his patient, but did not maintain medical records. The Panel reviewed an Investigative Report from Mr. Doug Wilson, a response from Dr. Montgomery and a Board consultant's findings.

Action: Following discussion, Dr. Travis moved to ask Dr. Montgomery to enter into an Interim Agreed Order (Diversion), and if he refuses, to file a Complaint. Seconded by Dr. Briscoe, the motion carried. Terms and conditions were provided to General Counsel.

Jorge L. Rodriguez, M.D., License # 23096

This is a case involving a medical malpractice settlement on behalf of Dr. Rodriguez. Panel B reviewed the case at their April 2009 meeting and recommended further investigation. An Investigative Report from Ms. Betty Prater was reviewed by the Panel members along with the malpractice case, a Board consultant's report and a response from Dr. Rodriguez.

Action: After consideration, Dr. Travis moved to accept a proposed Interim Agreed Order and reconsider this case after Dr. Rodriguez completes a CPEP Assessment. Seconded by Dr. Briscoe, the motion carried.